

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CIVIL CASE NO. 1:06CV336
(1:02CR105-6)

ANTHONY ALLEN LEMAY,)
Petitioner,)
vs.) ORDER
UNITED STATES OF AMERICA,)
Respondent.)
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THIS MATTER is before the Court upon Petitioner's Motion to Disqualify Judge Lacy H. Thornburg and Magistrate Judge Max O. Cogburn, Jr. from presiding over any portion of Petitioner's Motion to Vacate, Set Aside, or Correct Sentence, filed October 2, 2006. [Doc. 2]. Judges Thornburg and Cogburn each presided over the various criminal proceedings from which the Motion to Vacate stems. [Criminal Case No. 1:02cr105-6].

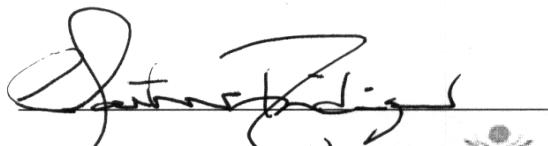
Judge Thornburg has retired from service as a federal judge, and the Petitioner's Motion to Vacate has been assigned to the undersigned.

Additionally, Max O. Cogburn, Jr. no longer serves as a magistrate judge in this District.

Accordingly, **IT IS, THEREFORE, ORDERED** that the Petitioner's Motion to Disqualify Judge Lacy H. Thornburg and Magistrate Judge Max O. Cogburn, Jr. [Doc. 2] is **DENIED AS MOOT**.

IT IS SO ORDERED.

Signed: September 6, 2010



Martin Reidinger
United States District Judge

